

# MEMO ENDORSED

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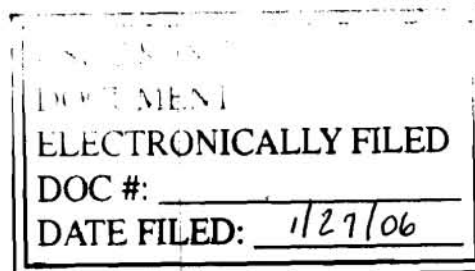
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January 24, 2006

**By Facsimile**

The Honorable Kenneth M. Karas  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 920  
New York, NY 10007



Re: Ello v. Singh, et al., Case No. 05 CV 9625

Dear Judge Karas:

We represent Defendants Ishry Singh, Laborers-Employers Cooperation and Education Trust Fund, Mason Tenders District Council Trust Funds, Raymond Pocino as a Trustee of the MTDC Funds, and John Virga, MTDC Funds' Director (collectively, the "Fund Defendants"), in the above-referenced matter. We write regarding the briefing schedule set by Your Honor by Order dated January 9, 2006 for Plaintiff's application for disqualification.

Under the Order, Plaintiff was required to serve and file his application for disqualification by January 17, 2006. On January 17, Plaintiff requested, and Your Honor granted, a 24-hour extension of that time to January 18. Although Your Honor made clear in the memo endorsement that this would be the last extension granted to Plaintiff absent "extraordinary and unforeseeable circumstances," Plaintiff did not serve his papers until January 19.

Given Plaintiff's delay, we would ask that the Fund Defendants' time to respond be extended to January 31, 2006 to afford them the same eight (8) business days to prepare their response as was anticipated under the original scheduling order.

Plaintiff's counsel has consented to this request. We are happy to consent to a similar two-day extension of Plaintiff's time to reply to February 7, 2006.

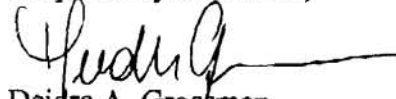
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We thank the Court for its consideration.


Respectfully submitted,

  
Deidre A. Grossman

cc: Ruth M. Pollack, Esq. (by facsimile and mail)  
Terrance Reed, Esq. (by facsimile and mail)  
Samuel Rosenthal, Esq. (by facsimile and mail)

Find Defendants' request to respond to Plaintiff's  
disqualification application by January 31, 2006. Plaintiff's  
reply is still due February 5, 2006. Furthermore, Plaintiff  
is advised that any future failure to meet a court deadline  
will constitute a waiver.

SO ORDERED

  
KENNETH M. KARAS U.S.D.J.  
1/25/06